

Business Act ( U.S.C. 636(a)),<sup>2</sup> or title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(v) bringing judicial or administrative civil or criminal enforcement actions;

(vi) extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States; or

(vii) activities or decisions that are non-discretionary and made in accordance with the agency's statutory authority.

#### (11) Programmatic environmental document

The term "programmatic environmental document" means an environmental impact statement or environmental assessment analyzing all or some of the environmental effects of a policy, program, plan, or group of related actions.

#### (12) Proposal

The term "proposal" means a proposed action at a stage when an agency has a goal, is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and can meaningfully evaluate its effects.

#### (13) Special expertise

The term "special expertise" means statutory responsibility, agency mission, or related program experience.

(Pub. L. 91-190, title I, §111, as added Pub. L. 118-5, div. C, title III, §321(b), June 3, 2023, 137 Stat. 44.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Small Business Investment Act of 1958, referred to in par. (10)(B)(iv), is Pub. L. 85-699, Aug. 21, 1958, 72 Stat. 689. Title V of the Act is classified generally to subchapter V (§695 et seq.) of chapter 14B of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 661 of Title 15 and Tables.

#### SUBCHAPTER II—COUNCIL ON ENVIRONMENTAL QUALITY

#### § 4341. Omitted

#### Editorial Notes

##### CODIFICATION

Section, Pub. L. 91-190, title II, §201, Jan. 1, 1970, 83 Stat. 854, which required the President to transmit to Congress annually an Environmental Quality Report, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, item 1 on page 41 of House Document No. 103-7.

#### § 4342. Establishment; membership; Chairman; appointments

There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who

shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

(Pub. L. 91-190, title II, §202, Jan. 1, 1970, 83 Stat. 854.)

#### Statutory Notes and Related Subsidiaries

##### COUNCIL ON ENVIRONMENTAL QUALITY; REDUCTION OF MEMBERS

Provisions stating that notwithstanding this section, the Council was to consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council, were contained in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. 109-54, title III, Aug. 2, 2005, 119 Stat. 543, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code. Similar provisions were also contained in the following prior appropriations acts:

Pub. L. 108-447, div. I, title III, Dec. 8, 2004, 118 Stat. 3332.

Pub. L. 108-199, div. G, title III, Jan. 23, 2004, 118 Stat. 408.

Pub. L. 108-7, div. K, title III, Feb. 20, 2003, 117 Stat. 514.

Pub. L. 107-73, title III, Nov. 26, 2001, 115 Stat. 686.

Pub. L. 106-377, §1(a)(1) [title III], Oct. 27, 2000, 114 Stat. 1441, 1441A-45.

Pub. L. 106-74, title III, Oct. 20, 1999, 113 Stat. 1084.

Pub. L. 105-276, title III, Oct. 21, 1998, 112 Stat. 2500.

Pub. L. 105-65, title III, Oct. 27, 1997, 111 Stat. 1375.

#### § 4343. Employment of personnel, experts and consultants

(a) The Council may employ such officers and employees as may be necessary to carry out its functions under this chapter. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this chapter, in accordance with section 3109 of title 5 (but without regard to the last sentence thereof).

(b) Notwithstanding section 1342 of title 31, the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

(Pub. L. 91-190, title II, §203, Jan. 1, 1970, 83 Stat. 855; Pub. L. 94-52, §2, July 3, 1975, 89 Stat. 258.)

#### Editorial Notes

##### REFERENCES IN TEXT

The last sentence of section 3109 of title 5, referred to in subsec. (a), probably means the last sentence of section 3109(b) of title 5, which was the last sentence of

<sup>2</sup> So in original. Probably should refer to 15 U.S.C. 636(a), (b).